II

THE CITY GOVERNMENT OF BALTIMORE

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics are present History—*Freeman*

FOURTEENTH SERIES
II

THE CITY GOVERNMENT
OF
BALTIMORE

BY THADDEUS P. THOMAS, PH. D.
Associate Professor of History and Sociology in the Woman's College of Baltimore

BALTIMORE
THE JOHNS HOPKINS PRESS
PUBLISHED MONTHLY
FEBRUARY, 1896

Copyright, 1896, by the Johns Hopkins Press.

John Murphy & Co., Printers,
Baltimore.

PREFACE.

This monograph presents an outline of the past development of Baltimore's municipal organization, and concludes with a brief description and critique of its present governmental framework. It deals mainly with the administrative and legislative machinery of the city, and attempts to tell what this has been, is, and should be. The subject is of unusual importance at present because a party has just come into power after an interval of twenty-eight years with the avowed purpose of reforming the city government.

I have received personal assistance from various sources on many special topics, but my grateful acknowledgments are especially due to Dr. Herbert B. Adams and Dr. Bernard C. Steiner, of the Johns Hopkins University, for valuable suggestions when the work was first undertaken; to Mr. George C. Wedderburn, City Librarian, and Mr. John G. Gatchell, Librarian of the Maryland Historical Society; and above all to Dr. Jacob H. Hollander, of the Johns Hopkins University, who consented to read the manuscripts, and whose suggestions were of peculiar value on account of the special studies he has made in connection with the same subject.

T. P. T.

THE CITY GOVERNMENT OF BALTIMORE.

I.

Baltimore Town, 1730–1797.

The advantageous commercial situation of Baltimore predestined it to be a great city. Yet it was not laid out till 1730, nearly a century after the founding of Maryland. Scores of other towns had meantime been created and had perished. One of the favorite occupations of the provincial Assembly of Maryland seems to have been the creation and demolition of towns by legislative enactment. Their establishment was, of course, not dictated by mere caprice, but was designed principally to furnish places of landing for the exchange of products between the agricultural and commercial classes. In 1683 an important "Act for the Advancement of Trade" had established a number of towns as centers of traffic, commerce and financial operations.[1] But the supply soon outran the demand, over one hundred being created within a few decades, and many of them which had little or no existence except on paper were afterwards abolished.[2] The survivors were comparatively few in number. The method of creating

[1] Bacon's *Laws*, 1683, ch. 5.

[2] For an admirable account of these early towns see Wilhelm, *J. H. U. Studies*, Third Series, p. 401.

and governing most of these towns was quite similar to that about to be described in the case of Baltimore.

There was an element of accident in the location of Baltimore. Had a single individual named John Moale possessed prophetic insight, the half-million inhabitants of the city would to-day be occupying a somewhat different situation. Mr. Moale owned land on the south side of the Patapsco River which he valued highly on account of the iron-mines it contained. When it was proposed to lay out a town on Moale's Point, he hastened to the Assembly at Annapolis, of which he was a member, and had the proposal defeated. After Mr. Moale had taken this false view of his own interests, the petitioners who wished to build a town requested that it might be laid off on the *north* side of the Patapsco. Accordingly, on August 8, 1729, there was passed "An Act for erecting a Town on the North side of Patapsco, in Baltimore County, and for laying out in Lots, Sixty Acres of Land, in and about the place where one John Fleming now lives."[1]

By this act seven Commissioners were appointed to purchase the land and to lay it out into sixty equal lots. The owners first chose a lot, after which others were free to choose the remaining lots. In case the one who selected a lot should fail to build thereon within eighteen months a house covering four hundred square feet, any other person could enter upon the lot, after paying the sum first assessed. This was forty shillings an acre, and each settler paid his share to Charles and Daniel Carroll, the original owners of the land, either in money, or in tobacco at the rate of a penny a pound. Thus the original site of Baltimore cost something less than six hundred dollars in our present money. The act also empowered the Commissioners to appoint a clerk to make true and impartial entries of their proceedings, "which said entries they shall cause to be made up in a well bound book and

[1] Bacon's *Laws*, 1729, ch. 12.

lodged with the Clerk of Baltimore County Court for the inspection of any person."[1]

In January, 1730, the town was laid off, beginning at the junction of what are now known as Pratt and Light Streets.[2] The growth of the new town was slow. After twenty-two years had elapsed it contained only twenty-five houses. By an act of the session of 1745 Baltimore Town and Jones's Town (or Old Town), which had been erected on the east side of Jones's Falls, were united by the Assembly into one town, on joint petition of their inhabitants. Other additions were made from time to time, one of the most important being that of Fell's Point. The Act of 1745 is important as showing us more fully than any other enactment the nature of the early government of the town. But few powers were granted to it, and these were vested in Commissioners appointed by the government at Annapolis and forming a close corporation.

The following were the principal provisions of the Act of 1745.[3] Seven Commissioners were appointed to see this and former acts relating to the towns put into execution, to cause the towns to be carefully surveyed, and to have the lots surveyed, bounded and numbered. They were to settle all disputes about the boundaries of lots. On the death, removal, or refusal to act of any Commissioner, the major part of those remaining appointed another to serve in his stead. They were empowered to employ a clerk to keep a book containing the proceedings of their meetings, describing the lots, and giving the names of those who took them up. The clerk was removed at their pleasure. They also had power to assess the inhabitants of the town "by even and equal pro-

[1] This yellow-backed volume is still in existence, and is carefully preserved by the City Librarian. It contains the records of Baltimore Town from 1729 to 1747. The later records were kept in several old books and afterwards copied into one book, which is also in the City Library, but which unfortunately contains many serious omissions. These records of Baltimore Town have never been published.

[2] Griffith's *Annals of Baltimore*, 17. [3] Bacon's *Laws*, 1745, ch. 9.

portion, the sum of three pounds yearly, to be paid to their clerk."

Baltimore Town continued under this form of government until it became a city, though important modifications were made in 1782 and 1783. The Assembly passed at various times the laws necessary for the regulation of its internal affairs.[1] The records of the town are made up principally of the proceedings of the Commissioners in regulating the boundaries of lots, laying out new streets and filling vacancies in office. They elected annually such officers as a weigher of hay, corder of wood, measurer of grain, inspector of flour, gauger of liquors, culler of staves, and clerk of the market. The general powerlessness of the Commissioners is strikingly illustrated by the story of the town fence of Baltimore. It seems that the fence had been erected as a barrier against imaginary dangers. At any rate the only attack ever made upon it was from the inside. During the winters succeeding its erection some of the inhabitants secretly appropriated large portions of it for firewood. The remainder was of course rendered useless and was sold by the Commissioners

---

[1]The following extract illustrates the detailed manner in which this was done, as well as the nature of the regulations in regard to fires at that early period:

"And for prevention of any damage by fire in the said town, Be it enacted, That any inhabitant therein who shall, after the first day of December next ensuing, permit his, her or their chimney to take fire, so as to blaze out at the top, shall forfeit and pay the sum of ten shillings current money for every such offense; and any person having a house in the said town with a chimney, and in use, who shall not after the said first day of December, keep a ladder high enough to extend to the top of the roof of such house, shall also forfeit and pay ten shillings current money; which said fines shall be recovered by and in the name of the said Commissioners, or the major part of them, before a single magistrate, as in the case of small debts; and when recovered shall be appropriated by the said Commissioners, or the major part of them, to some building or improvement in the said town, such as to the repair of the bridge or making and repairing a public wharf; and that their clerk shall keep an exact account of all fines arising by this act, and how the same shall have been disposed of." (1747, ch. 21.)

to Mr. Nicholas Rogers. The clerk was directed, with apparently significant promptitude, to deliver this rapidly vanishing property to the purchaser the next morning. Now the Commissioners knew who the offenders were and made out a partial list of their names. They started to prosecute one of them, but gave up the attempt when it was found that they probably did not have the power. For the Commissioners of Baltimore Town were an unincorporated body, and always remained so.[1]

It was not till the decades just preceding the Revolutionary War that Baltimore Town began to take strides towards the commercial supremacy of the Chesapeake. Joppa, on the Gunpowder River, was until that time its formidable rival. Joppa had been made the county-seat of Baltimore County in the year 1712. But in 1767 that honor was transferred to the younger but more thriving town of Baltimore, and Joppa afterwards vanished so completely that even its site was for a long time unknown. Baltimore in turn became the center of trade for all the surrounding region. By the outbreak of the Revolution the twenty-five houses of 1752 had increased to five hundred and sixty-four. The number of inhabitants was 6,755. The Revolutionary period aided instead of retarding its progress, for the cutting off of foreign commerce gave a stimulus to home industry, and the inhabitants exerted themselves with commendable energy. The following extract from the reminiscences of a newspaper writer gives an idea of the self-conscious stage of development the town had attained at this period: "It was a treat to see this little Baltimore Town just at the termination of the War of Independence—so conceited—bustling and debonair—growing up like a saucy, chubby boy, with his dumpling cheeks and short, grinning face fat and mischievous, and bursting, incontinently, out of his clothes in spite of all the allowance of tucks and broad selvages."[2] It was time for this rapidly

[1] Town Records for March 9 and November 21, 1752.

[2] Quoted in Lucas' *Picture of Baltimore*, published in 1832.

growing community to have the deficiencies of its system of government remedied. Some attempts were made by the Assembly in this direction during the two years following the surrender at Yorktown.

In 1782[1] an act was passed naming seven persons as *Special Commissioners*, "with full power to superintend the leveling, pitching, paving and repairing the streets, and the building and repairing the bridges within said town." Before this even the principal street was only partly paved, and was impassable during certain periods of the year.[2] Another section provides that the Commissioners of Baltimore Town should deliver to the Special Commissioners "all monies paid to them or in their hands by virtue of their powers for repairing the streets of said town." The Special Commissioners were required to render an account of all their receipts and expenditures to the Commissioners of Baltimore Town, and to publish it annually in the newspapers. And they were given power to fill vacancies in their own number, thus becoming a self-perpetuating body.

There seems to have been dissatisfaction with this last provision, for it was changed during the next session by an act[3] which made many important additions to the previous act. The new law first provided for levying taxes for the purposes of the Special Commissioners. A tax was laid on every front foot of the streets paved or to be paved (repealed in 1791), and a tax not exceeding two shillings and sixpence on every hundred pounds of assessed property; while various specific taxes were levied on carriages, carts, horses, billiard-tables, chimneys catching fire, tavern licenses, etc.[4] The most remark-

---

[1] *Acts of Assembly*, April session of 1782, ch. 39. [2] Griffith's *Annals*, 95.

[3] *Acts of Assembly*, November session of 1782, ch. 17.

[4] By a supplementary act (1791, ch. 59) the Special Commissioners, in connection with the Wardens of the Port, were empowered to raise three thousand five hundred pounds annually by lottery. Two-thirds of the proceeds were to go to the Wardens of the Port and one-third to the Special Commissioners. The pernicious method of raising revenue by means of lotteries was continued for many years.

able provision of the new law, however, was that by which the Special Commissioners, instead of being a self-perpetuating body, were to be elected every five years by a miniature electoral college. This was doubtless in conscious imitation of the method then employed in electing senators to the Maryland Assembly,[1] and soon to be adopted by the new federal government of 1789 as its method of electing the President. The inhabitants who had real property in the town to the value of thirty pounds (or enough to qualify them to vote for members of the lower house of the Assembly) elected by ballot nine persons to be electors of the seven Special Commissioners. The electors could choose the Special Commissioners either out of their own body or from the inhabitants of the town at large. They were directed to so choose them that the several parts of the town should as nearly as possible be equally represented—for there existed a certain degree of jealousy between the inhabitants of the different settlements which had been united to form the town, and this continued even after it had become a city. The Commissioners must have real or personal property in the town above the value of five hundred pounds. They could fill vacancies in their body till the next election.

Another important provision of this law made the Special Commissioners a body corporate, with all the accompanying privileges, while the Commissioners of Baltimore Town remained an unincorporated body. The Special Commissioners appointed a clerk, a collector of taxes, and a treasurer. The inhabitants elected annually three comptrollers, who were to examine and approve or disapprove of the accounts of the Special Commissioners. It was also enacted that the comptrollers should ascertain the sum to which the Special Commissioners were entitled "for the time employed in the discharge of the duties enjoined them by this act, and that the

[1] See *Maryland Constitution and Form of Government*, section 14.

sum agreed upon and certified by the said comptrollers be paid said Special Commissioners by the treasurer."

By a similar act in 1783,[1] nine *Wardens of the Port* were appointed, but with the provision that they were thereafter to be elected every five years by the electors of the Special Commissioners. The property qualification for Wardens of the Port was one thousand pounds. They, too, were given the powers of a corporation and could fill vacancies in their own body till the next election. It was their duty to give their consent before wharves could be made or extended, to survey the river and harbor, remove obstructions, and impose a duty of a penny a ton on every vessel entering or leaving the port. They appointed a clerk and a treasurer, and the latter published his accounts annually. The wages of the Wardens of the Port, the commission to their treasurer and the salary to their clerk were paid out of the money raised by virtue of the act. There was at this time no public wharf but one of about one hundred feet on Calvert Street, and only three of the private wharves extended over two hundred feet.

One other important measure for the government of the town was passed in the November session of 1784. The Commissioners of Baltimore Town were empowered to erect street-lamps and to have them lighted. They employed constables and watchmen to keep watch and ward, to prevent fires and burglaries, and to arrest disorderly persons. Three constables and fourteen watchmen were appointed the first year. Each Commissioner was granted the powers of a justice of the peace, but this provision was repealed in 1793. To meet the necessary expenses the Commissioners were authorized to levy a tax not exceeding one shilling and sixpence on every hundred pounds worth of property in the town. They appointed a treasurer who kept an account of their expenditures, which was examined and approved or disapproved by

[1] *Acts of Assembly*, June session of 1783, ch. 24.

the comptrollers. The Commissioners were paid for their services in the same manner as the Special Commissioners.

It is not surprising that this complicated and cumbersome system of government should have caused some dissatisfaction. There were conflicts between different boards. Complaint was made that citizens could not tell to which one to go for a correction of grievances. Besides, the people were growing tired of government by Commissioners, and they became gradually more desirous of having the town incorporated. A brief account of the two unsuccessful attempts at incorporation in 1784 and 1793 will not be devoid of value.

The first proposed act[1] was drawn up by a committee which had been elected by the citizens for that purpose. It was preceded by a number of resolutions, one of which declares that when "they see the total want of order, police and good government pervading almost all parts of this great commercial town, they cannot but be of opinion that the power of regulating our own internal affairs is absolutely and essentially necessary, not only to the well being, but to the being itself thereof." And for this reason they urged the inhabitants to apply to the Assembly for a charter. The proposed corporation was to consist of a Mayor, Recorder, Aldermen and a Common Council. The executive and judicial powers were to be vested in the first three, and the legislative powers in the Common Council, which was to consist of two branches, one elected by the people and one by electors. The two branches were to elect by joint ballot an Alderman from each ward, and these Aldermen and the Council were to elect the Mayor. The Mayor and Aldermen were to appoint the Recorder, and with him were to constitute a Court of Hustings to try petty crimes and breaches of the peace. It seems the plan was approved by a town meeting, but it did not give general satisfaction, and fortunately it was finally dropped.

---

[1] Broadsides in the Library of the Maryland Historical Society, Vol. I, 29.

The proposed act of the November session of 1793[1] has a general resemblance to the act which was finally adopted three years later, and its provisions need not be given here. It was passed by the Assembly to go into effect "if the same shall be confirmed by the General Assembly at their session in November, 1794, and not otherwise." This was never done. The inhabitants of Fell's Point, "the mechanical, the carpenters and republican societies, then lately formed for other purposes, took part in opposition, and it was not carried into effect."[2]

But Baltimore Town was growing with amazing rapidity. In 1790 it had a population of 13,503. Six years later it had almost doubled, and by 1800 the total number of inhabitants was 31,514. This period was one of great commercial prosperity. It is true that there had been a temporary languor during what Fiske has well termed the "Critical Period of American History." But that passed away with the adoption of the Constitution in 1789, when the loosely leagued states were welded more firmly together and commerce was furnished the tonic of an increased confidence. The European wars soon afterwards threw the carrying trade into the hands of Americans, and Baltimore Town profited eagerly by the opportunity. It was a town no longer, except in its anomalous and antiquated system of government. This system was to be swept away by the third proposed act of incorporation, the adoption of which converted Baltimore Town into Baltimore City.

Whatever the government of Baltimore Town may have been, it was not local self-government. It was not local government, for the town was governed largely from Annapolis. It was not self-government, for what few governmental powers were localized were invested in officers not chosen by the

---

[1] This is given in a pamphlet bound together with others in Vol. 21 of the Library of the Maryland Historical Society. It contains a vigorous introductory address by "A Fellow Citizen," who strongly favors the adoption of the act.

[2] Griffith's *Annals*, 141.

people. The chief officers were the Commissioners of Baltimore Town, the Special Commissioners, and the Wardens of the Port. The first body had been a close corporation since the founding of the town, entirely irresponsible to the people. The other two bodies were elected by nine electors, who were elected by the people only once in five years. The powers of all three were narrowly limited by the State Assembly, which regulated most of the matters of local government, usually after a petition had been sent in by the inhabitants. At first the town had no power even to remove nuisances. The Assembly in 1768 spent part of its time passing an act in virtue of which Thomas Harrison was to remove a marsh in Baltimore Town. Two years later another act was passed to give Thomas Harrison further time to effect the removal of the said nuisance. And two years after that a third act was passed to give him still more time for the accomplishment of the same purpose. It is not denied that the marsh was large, nor that Mr. Harrison was reasonably industrious. But under a proper system of local government the marsh need not have been a nuisance to the General Assembly of Maryland. It is a fundamental political principle that only that which cannot be best done at home should be assumed by the central government. But the General Assembly passed laws in reference to throwing dirt into the streets of Baltimore, laws to regulate the size of the chimneys of the town, the width of the wheels of its vehicles, the enclosure of its geese and pigs, and the amount of its tax on dogs. The difficulty of governing a town by an Assembly which already has the government of a state in charge grows with the growth of the town. When such a government becomes too vexatious and inefficient, the dawn of home rule is at hand. When the incorporation of the town took place in 1797, there was an enlargement of the power of the people to choose their own officers, and a decrease in the direct interference of the state government—though the latter evil was only mitigated and not entirely removed.

II.

Baltimore City Since 1797.

The development of Baltimore's corporate government has been evolutionary rather than cataclysmic. It has been free from those municipal upheavals which overthrow old charters and put new ones into operation. Each period seems to merge gradually into the succeeding one. Nevertheless, there are two dates in the evolution of the city which may be taken as the natural division-lines of its political history. The first is the year 1833, which marks approximately the complete triumph of the democratic principle in the government of the city as well as the nation. The second is the year 1867, when a new state constitution was adopted and a new era inaugurated after the political turmoil that accompanied the Civil War.

On the very last day of the year 1796, the act of incorporation of Baltimore City was approved; and consequently the new government was not put into operation until early in 1797. There was considerable opposition to the act among some of the citizens, and the inhabitants of the Point or Deptford Hundred were placated by an exemption from any taxation for the purpose of deepening the upper part of the harbor. The act was an experiment designed to remain in force for only a year, but the next session of the Assembly made it perpetual.

The preamble of the act recites that "it is found by experience that the good order, health, peace and safety of large towns and cities cannot be preserved, nor the evils and accidents to which they are subject avoided or remedied, without an internal power competent to establish a police and regulation fitted to their particular circumstances, wants and exigencies." The city was divided into eight wards, with a provision for an increase in their number when the population should increase.

The City Council was made to consist of two Branches. The First Branch was made up of two members from each ward, elected annually, residents of the town three years preceding their election, and assessed for purposes of taxation to the amount of one thousand dollars. The election was *viva voce*.

The Second Branch consisted of eight members chosen from the different wards, twenty-five years of age, residents of the town four years previous to their election, and assessed to the amount of two thousand dollars. Their term was two years. Neither the Second Branch nor the Mayor, whose term was also two years, was elected directly by the people. Each ward, at the time of electing the members of the First Branch, elected also an elector of the Mayor and members of the Second Branch. These eight electors met one month later and chose a Mayor and the eight members of the Second Branch.

No person was eligible for Mayor who was not twenty-five years of age, ten years a citizen of the United States, and a resident of Baltimore for five years preceding the election. In case of a tie in the election for Mayor or for a member of the Second Branch, the electors determined the choice by lot. No person could be an elector of the Mayor and at the same time a member of the First Branch.

Three-fourths of the councilmen formed a quorum. Their deliberations were public, and they were required to keep a journal of their proceedings and enter the yeas and nays on any question at the request of any member. If the Mayor returned an ordinance in five days without his approval, it failed to become a law unless sustained by three-fourths of both Branches. The method of appointing the officers of the corporation was peculiar. The Second Branch nominated two citizens for each office, and the Mayor appointed and commissioned one of them.

The Mayor was given the powers of a justice of the peace, except as to the recovery of small debts. He could call upon any officer of the city for a statement of his accounts as often

as he deemed necessary. He was required to make an annual report of the condition of the city, "with an accurate account of the money received and expended, to be published for the information of the citizens."

The corporation was granted the usual powers in regard to regulating markets, streets, lots, bridges, night-watches, fire-companies, sewers, preventing and removing nuisances, caring for the health of the city, and attending to the navigation of the Patapsco, within the limits of Baltimore and four miles thereof; the right to lay and collect taxes, and to pass all ordinances necessary to give effect to all the powers vested in the corporation.

Such was the charter of the infant city. It satisfied a long felt need, and, on the whole, fulfilled its purpose admirably. Its most noteworthy feature was an anomaly born of the undemocratic spirit of the times. It consisted of the requirement that candidates for Mayor and the Council should have high property qualifications, and that the Mayor and Second Branch should be chosen by electors instead of by the people. The electoral device was a part of the Maryland Constitution, and had been unfortunately adopted as a part of the national constitution in 1789. The principle of democracy had not yet triumphed in America. John Adams had just been elected President over Thomas Jefferson by a majority of three electoral votes. If the people had reflected upon the lesson of that and the previous election, they could have seen even at that time the futility and unfairness of the electoral system. It was always futile, for the electors did not exercise an independent choice, being pledged in advance to vote for certain candidates. It was sometimes unfair, since the choice of a majority of the states or wards might fail to be the choice of a majority of the people. The electoral system was preserved for some time in the city because the aristocratic principle upon which it was based could be so easily evaded. We shall see, however, that the system was partly abolished and the high property qualifications for office were much reduced in the year 1808.

Meanwhile let us see how the city government was organized under the new charter. In the first year of its existence several of the most important departments were established. An ordinance was passed providing for the appointment of a Register and a Treasurer. Three Commissioners of the Watch were appointed to employ watchmen and attend to lighting the city. Nine Commissioners of Health were appointed to look after the health of the city. The number was reduced to five in 1801 and to four in 1803. Five persons were appointed City Commissioners, their principal duties being to pave the streets, make and repair sewers, and to fix the lines of the streets and the boundaries of the lots. All these officers were appointed in 1797, as well as many others, such as a harbor-master, clerks of the markets, corders of fire-wood, assessors and a collector of taxes, and weighers of hay.[1]

It is not the purpose of this paper to give a detailed description of the many changes in the powers and duties of all the city officers, but merely an outline of the more important alterations and additions that took place from time to time. The first of these occurred in the year 1803, when commissioners were appointed "for introducing a copious and permanent supply of wholesome water into the City of Baltimore." A contract for this purpose was soon made with the Baltimore Water Company, which was organized about this time and incorporated in 1808. It drew its water supply from Jones's Falls. In 1807 the City Commissioners, who had been reduced to three in number, were authorized to appoint and superintend the night-watch in addition to their other specified duties. In 1809 a further consolidation of duties took place. Four persons were appointed to be "City Commissioners and Commissioners of Health," and exercise all the powers that had belonged to the two bodies separately. A few years later the number was changed to three.

---

[1] See ordinances of 1797.

In the meantime, in 1808, an important amendment to the act of incorporation had gone into effect. The preamble to the amendment stated that in the act of incorporation "certain principles are established and qualifications of the members of the City Council of the City of Baltimore, which experience hath proved to be inconvenient in their operation, and repugnant to the wishes of a great portion of the inhabitants of Baltimore, who have by their petition to this General Assembly, prayed for an alteration of the same." Accordingly it was provided that each ward should elect by ballot, every second year, a resident of that ward to be a member of the Second Branch. While the members of the Second Branch, like those of the First Branch, were thus elected directly by the people, the Mayor continued to be chosen by the electors till 1833; but the number of the latter was raised from eight to sixteen. These electors were chosen every second year, two from each ward, by ballot.[1] The property qualification of the Mayor was made five hundred dollars. The qualification of members of the First Branch was reduced from one thousand dollars to three hundred dollars; of the Second Branch, from two thousand dollars to five hundred dollars. Nominations of officers, which had before been made by the Second Branch, were henceforth to be joint nominations of the First and Second Branches. All of these provisions were dependent on a sort of aristocratic referendum, in accordance with which the act was submitted, not to the people directly, but to a convention of sixteen delegates chosen by them, two from each ward, and having full power to adopt or reject the act. It was ratified by this convention on February 8, 1808.

In 1813 an ordinance was passed appropriating a sum of money for the improvement of navigation, and three Wardens of the Port were appointed for building and repairing wharves,

[1] It had previously been enacted that all elections in the city should be by ballot (1805, ch. 108). This change greatly reduced the election disturbances common at that time.

superintending the work of the mud machines, and performing similar duties. In 1816 the Mayor was authorized to contract with the Gas Light Company of Baltimore for lighting the city. This was the first company in the United States to furnish a city with a supply of gas.

At the session of 1816 the Assembly passed an act to annex the portion of Baltimore County known as "The Precincts" to Baltimore City. The part added was exempted from the city tax of two dollars on the hundred pounds until there should be at least five dwelling-houses on each acre of land.[1] This action was due to the fact that it seemed unjust to tax, "for watching, lighting, and cleaning the streets, those parts where no streets existed, save upon the map of the city."[2]

This increase of territory and population caused the number of wards to be increased to twelve by an act of the session of 1817.[3] By the same act two-thirds of each Branch of the City Council were constituted a quorum to transact business. The Mayor nominated and, with the advice and consent of the two Branches, appointed all officers, except the Register and the clerks employed by the city. The Register was appointed biennially by a convention of the two Branches and commissioned by the Mayor, being removable, nevertheless, at pleasure by a convention of the two Branches. The electors of the Mayor were made twelve, the same in number as the wards of the city. For the purpose of promoting great or permanent improvements the city was empowered to issue stock or borrow money upon the credit of the corporation, not to exceed one million dollars. This limit was soon extended, and a large debt was accumulated during the next two decades.

The provision of the ordinance uniting the City Commissioners and the Commissioners of Health in one board was repealed in 1820, and the duties of the City Commissioners and Wardens of the Port were assigned to one board consisting of three

---

[1] Session of 1816, ch. 209.

[2] Lucas, *Picture of Baltimore*, 58.

[3] Session of 1817, ch. 168.

persons. At the same session another ordinance was passed by which three Commissioners of Health and one Consulting Physician were to be appointed annually to constitute a Board of Health.

The public school system of the city dates from this period. Early in 1826 the Assembly authorized the Mayor and City Council to establish such a system and to levy the taxes necessary for its support, provided they should approve of the act. They did so in the following year, and on March 8, 1828, an ordinance was adopted creating a Board of Commissioners of the Public Schools. The Board was elected annually at a joint session of the two Branches, and the Mayor was its president *ex officio*. The six Commissioners divided the city into six districts, established one school in each district, and made all necessary provisions for the government of the schools. They also appointed annually a Superintendent and fixed his compensation. No child above ten was admitted into the schools at first, and every child attending was charged one dollar per quarter, unless exempted by the Commissioners. The schools were supported by these fees, by the city's proportion of the state educational fund, and by direct appropriations made by the city. The system was soon in operation, though at first on a small scale. In 1831 the cost to the city of each student was three hundred and nineteen dollars, and the number of students was only 627 out of a population of over 80,000.[1] In 1834 the number of Commissioners of the Public Schools was increased to nine and in 1837 to thirteen. The number was afterwards made the same as that of the wards of the city, which was fourteen in 1842 and is twenty-two at the present time.

By an ordinance of 1826 the Mayor and the Presidents of the two Branches were constituted a Board of Commissioners of Finance. A sinking fund had been administered since 1818 by Commissioners appointed for that purpose, who now

[1] Lucas, 216.

delivered the stock in their possession to the new Board. The latter was to administer the sinking fund for the payment of the interest and extinguishment of the principal of the public debt. By a supplement to this ordinance passed in 1833, a convention of both Branches elected two persons who, with the Mayor, constituted the Commissioners of Finance. But meanwhile, instead of being cancelled, the debt continued to grow quite rapidly. In 1826 it was only $458,920.20, while in 1842 it was $5,318,625.66. About $4,830,000 of this had been contracted in prosecuting schemes of internal improvement, which were favored by the spirit of the times, and upon which not only the city but the state and the nation had embarked.

For we have reached a new era in the history of Baltimore, as well as of the nation. It is an era of rapid material development. The period just after the War of 1812 had been a dark one for the city. The celebrated "Baltimore Clippers" could no longer reap such rich returns from the European trade. And though a compensatory traffic had sprung up with South America, commerce was never again relatively so important as before the war. But new industrial methods were at hand. The era of manufacturing on a large scale was gradually ushered in. And with it came the period of canals, then of railways and rapid transportation. It was on July 4, 1828, that Charles Carroll, of Carrollton, the last surviving signer of the Declaration of Independence, laid "the corner-stone" of the Baltimore and Ohio Railroad. "One man's life formed the connecting link between the political revolution of the last century and the industrial revolution of the present."[1] For this was the first railroad in the United States. By May, 1832, there were seventy-one miles in operation. The Baltimore and Susquehanna Railroad, from Baltimore to York, Pennsylvania, was chartered in 1828 and begun in 1829. The city purchased stock in both of these roads and had repre-

[1] Hadley's *Railroad Transportation*, p. 1.

sentatives on the board of directors of each of them. Public enthusiasm ran high.

This ardor to engage in public improvements was not a local phenomenon, but a characteristic of a new stage in the development of the country. Life pulsated more vigorously through the national arteries. The masses of the people had become self-conscious and self-assertive. The new industrial activity found its correlative in a new political activity, which infused a more strongly democratic spirit into the government than it had ever known before. The effect of this spirit was seen in Baltimore in the total abolition of the electoral system, so that the choice of Mayor was entrusted directly to the people.[1] We have seen how this system had been partly abolished in 1808. It was in 1833 that the work was completed. These two dates mark the periods when the two great tidal waves of democracy swept over the American nation. There is more than a coincidence, there is a relation of cause and effect between the administration of Thomas Jefferson and the law of 1808; and also between the second complete triumph of the more radical democracy that was incarnated in Andrew Jackson, and the abolition of Baltimore's electoral system in 1833.

For a number of years after the choice of Mayor was transferred to the people no laws of prime importance were passed.[2]

---

[1] Acts of Session of 1832, ch. 206. Approved March 15, 1833.

[2] A summary of some of the chief ordinances of this period may prove instructive through its very tediousness. It will show the variability and the confusion of functions due to the lack of a true principle of administration. An ordinance of 1838 re-enacts a provision of a previous ordinance that there should be a Consulting Physician to the Board of Health. In 1839 this office was abolished. It was re-established in 1841. But in 1844 the offices of Consulting Physician and Commissioners of Health were abolished and their duties transferred respectively to the Health Officer and the City Commissioners. In 1845, however, there was again appointed a Board of Health, to consist of the Health Officer, a Commissioner of Health, and a City Physician. In 1849 a City Commissioner and two Assistant Commissioners were appointed to look after the streets, and after-

But in 1845 a statute was enacted in accordance with which the Governor appointed five commissioners to divide the city into twenty wards. It was provided that one member should be elected to the First Branch from each ward, and one member to the Second Branch "from every two wards contiguous to each other." The commissioners were authorized to specify which wards should be thus united in electing a member to the Second Branch. According to the act the election of members of the Second Branch was made annual; but this part was soon repealed so as to make their election biennial again (March 4, 1846).

Being empowered by an act of the Assembly, the city government passed an ordinance in 1854 for the purchase of the corporate rights of the Baltimore Water Company, and directed the Commissioners of Finance to issue certificates of debt for that purpose. Later in the year a Water Board was appointed, consisting of three members. The regular term of office was three years. They were charged with the preservation of the quantity and purity of the water, the management of all the property belonging to the works, etc. They were empowered to appoint certain officers to aid them in the discharge of their duties. In 1857 the Board was made to consist of six Commissioners, appointed biennially, and the Mayor, who acted as chairman. They had power to appoint a Water Engineer, a Water Registrar and other officers, and to make all needful rules and regulations. Changes in the details of their duties have been made by several ordinances since, but the main features of the organization of the Board remain unaltered to-day.

---

wards they were also assigned the duties of Port Wardens. This expedient of dividing the functions of two offices among three functionaries was a favorite one, and was continued in 1861 by the appointment, in lieu of the City Commissioner and his two Assistants, of a Board of City Commissioners and Port Wardens, to consist of three persons. But in 1863 it was enacted that one City Commissioner and one Assistant be appointed annually. A few days later it was provided that one Port Warden should be appointed annually.

Fires in the city were extinguished by volunteer companies until 1858. The Mechanical Company, the oldest in Baltimore, had purchased an engine as early as 1769. In 1832 there were nine fire companies and seven hose companies, which were aided by the funds of the city to the amount of four thousand dollars a year. According to the annals of that period and the successive Mayors' messages of a later date, the companies were almost proverbial for their efficiency. Nevertheless it finally seemed advisable to substitute a paid Fire Department, which was done in 1858 by the appointment of five Fire Commissioners.[1] Their regular term was made five years (changed to four years in 1868.) They had power to appoint all the persons necessary to perform the duties of the department, except the Chief Engineer, who was nominated by the Mayor and confirmed by the two Branches.

Early in 1860 an important law was enacted by which the control of the police system was taken from the Mayor and City Council and transferred to a board appointed by the state government. The change was made on account of the disgraceful election riots which terrorized the city from 1856 to 1860, when the American or Know-Nothing party was in power. A vigorous protest was made by the City Council against the justice and constitutionality of the new law, and it was contested in the courts, but was sustained. The police system had developed from the old night watch and had been reconstructed in 1856. The new law repealed the sections in former laws giving the Mayor and Council powers to appoint, pay and arm the police. These powers were transferred to a Board of Police Commissioners consisting of the Mayor and four residents of Baltimore appointed by the General Assembly on joint ballot. Their term of office was four years. A majority of the Board constituted a quorum, and the refusal of the Mayor to act in no wise impaired the right or duty of the Commissioners. It was their duty to employ a police

[1] Ordinance of Dec. 10, 1858.

force, preserve the public peace, and enforce the ordinances of the city. They were required to take an oath not to appoint or remove any policeman on account of his political opinions. Policemen were employed to serve for five years, and, if they performed their duties faithfully, were to be given the preference by the Commissioners in making their new appointments.

By another act passed in the same month (February, 1860) the Board of Police Commissioners was to divide each ward into election precincts and to appoint three Judges of Election for each precinct. These officers were given power to preserve the peace at voting places and to commit to jail all violators of any election law. We shall see that the duties imposed upon the Police Commissioners by this act were transferred to the Supervisors of Elections in 1876.

In 1862 it was enacted that two Commissioners, instead of four, should act with the Mayor to constitute the Board of Police Commissioners, and later the requirement that the Mayor should be a member of the Board was omitted. But the policy of appointing Baltimore's Police Commissioners at Annapolis, which was first introduced as an emergency measure, still remains a characteristic of the city government.

By a resolution and an ordinance of 1860 a Park Commission, consisting of five persons including the Mayor, had been authorized to purchase and take charge of some sites for public parks. In 1861 the Assembly enacted a statute confirming this action, and also authorized the Commissioners to make rules for the preservation of order in the parks, and gave them power to declare what fines, not to exceed one hundred dollars, should be imposed for breaches of the regulations. This law is still in force, though by an ordinance of 1888, the number of Commissioners, including the Mayor, is now seven.

The history of Baltimore during the Civil War contains several interesting episodes, but none which are of great importance for the student of municipal government. The political reorganization after the war was marked by the adoption in 1867 of the present Constitution of Maryland.

This is interesting from a municipal point of view, for the eleventh article is devoted entirely to the City of Baltimore. But this article does not give any such constitutional guarantee of home rule or freedom from legislative interference as might at first be supposed. For the last section provides that "the General Assembly may make such changes in this article, except in section seventh thereof, as it may deem best; and this article shall not be so construed or taken as to make the political corporation of Baltimore independent of or free from the control which the General Assembly of Maryland has over all such corporations in the state."

The seventh section, to which reference is thus made, provides that no debt shall be created or the credit of the city given to any individual or association, unless it first be authorized by the Assembly and by an ordinance of the city and a vote of the citizens. "But the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the city treasury, or to provide for any emergency arising from the necessity of maintaining the Police, or preserving the safety and sanitary condition of the city."

Most of the other sections relate to the election, powers and duties of the Mayor and Council; but, with one exception, there was no noteworthy change made in these, nor has there been since. The exception consisted in a requirement that the term of the Mayor should be four years; but in 1870 the Assembly repealed this and made the term two years again.

In 1874 there was an act passed for the appointment of three persons to act as an Appeal Tax Court for the purpose of hearing appeals and correcting assessments of taxes.[1] Somewhat similar acts had been passed before, but the provisions of this one are still on the statute-book. They will be summarized further on.

The control over elections, which had been given to the Police Commissioners in 1860, was transferred in 1876 to

[1] *Acts of Assembly*, 1874, ch. 483.

three Supervisors of Elections, appointed by the Governor and confirmed by the Senate.[1] This act, amended slightly as to the details, remains a part of the code to-day.

The same remark applies to nearly all the important laws passed during the most recent period. In order to avoid needless repetition, they will not be summarized here, but will be presented under the next division of the subject, entitled "The Present Government of Baltimore." The slow and conservative manner in which the present government has been evolved from the past is a characteristic of Baltimore's municipal history. During all the century of its development the government has never made a leap. It is one of the kind that "broadens slowly down from precedent to precedent." And so its organization in the immediate past differed but little from that of the present time. Before entering upon a description of its present organization, however, there are two further points to be noticed—the recent heavy loans for public improvements, and the addition to the city of the portion known as the "Annex."

The funded debt of the city, which was $23,279,970.85 at the beginning of the year 1870, had grown to be $33,531,798.06 by the beginning of 1880.[2] About one-fourth of this was due to the cost of the water supply and one-fourth to the loans made to the railroads. The rest had been mainly employed in purchasing parks, building a new City Hall, and making other improvements, as well as by repeatedly funding the floating debts. In 1888 the city was empowered to borrow five million dollars by an act which was a re-enactment with more detailed specifications of a statute which had been passed in 1882.[3] The loan was to be used for the purpose of constructing or improving sewers, streets, school-houses and bridges, the improvement of Patterson Park, the purchase of

---

[1] *Acts of Assembly*, 1876, ch. 223.

[2] Registers' Reports as summarized in the Mayors' Messages of these dates.

[3] *Acts of Assembly*, 1882, ch. 406.

additional land for parks, and building an addition to the Court House and Record Office. A specific sum was appropriated for each of these purposes. The sum of three cents is annually levied on every hundred dollars' worth of assessable property, to be applied by the Commissioners of Finance to the establishment of a sinking fund for the redemption of the bonds, which mature in 1928.[1]

The six million dollar loan of 1892 was for the purpose of constructing, or improving sewers, streets, school-houses, bridges, and conduits for underground wires, building a new Court House, and making a topographical survey of the city. The bonds are to be redeemed in 1940 from the proceeds of a tax of two cents on every hundred dollars' worth of property.[2]

The four million dollar loan of 1894 provided for the appropriation of one million dollars for the new Court House, two millions for an enlargement of the water supply and the laying of additional mains in the city, and one million for the purchase of Clifton or other parks. The price actually paid for Clifton, as fixed by the jury of condemnation, was $710,000. The bonds for the total debt mature in 1945. A tax of one half of a cent on the hundred dollars is levied for the redemption of that portion of the bonds used for building the Court House. The Park Commission is required to pay each quarter to the Commissioners of Finance five per cent of the park tax received from the street railway companies, and the Commissioners of Finance employ this fund for the redemption of the bonds used in the purchase of parks. Those used for the enlargement of the water supply are provided for out of the moneys received by the Water Registrar.

All of these loans were approved by the people before being made, as is required by the State Constitution. The funded and guaranteed debt at the close of 1895 (Dec. 31) was $32,437,818.43, and the floating debt $1,385,503.79.

---

[1] *Acts of Assembly*, 1888, ch. 131. Ordinance 98, approved Sept. 26, 1888.
[2] *Acts of Assembly*, 1892, ch. 138. Ordinance 100, approved Oct. 7, 1892.

The addition of the territory to the north of the city, formerly a part of Baltimore County, and now known as the "Annex," occurred in 1888. It was divided into two wards, the twenty-first and twenty-second. The act provided that the rate of taxation should not be increased in the annexed territory until the year 1900, but that, on the other hand, the city should expend within this territory all the revenue derived from it.[1]

III.

Outline of the Present Government of Baltimore.

The Mayor.—The term of office of the Mayor is two years. He must be twenty-five years old, ten years a citizen of the United States, a resident of the city five years preceding the election, and with property in the city assessed to the amount of five hundred dollars. In case of a vacancy in the office the President of the First Branch of the City Council orders a new election, and meanwhile acts as Mayor. He also acts as Mayor when the latter is sick or absent.

The Mayor has the jurisdiction and powers of a Justice of the Peace, except as to the recovery of debts. He may call upon any officer of the city for a statement of accounts as often as he may think necessary. In the passage of ordinances a three-fourths vote of both Branches is required to override his veto; but an ordinance passed by the Council becomes a law if he fails to return it within five days. His salary is five thousand dollars.

The City Council.—The First Branch of the Council consists of one member from each of the twenty-two wards of the city. A member must be above twenty-one years of age, a

[1] *Acts of Assembly*, 1888, ch. 98; Ordinance of June 27, 1888.

resident of the city three years preceding his election, a resident of the ward for which he is elected, and assessed to the amount of three hundred dollars. He holds his office one year.

The Second Branch consists of eleven members, each one being elected from two contiguous wards. A member must be twenty-five years old, a resident of the city four years previous to his election, and assessed to the amount of five hundred dollars. He must be a resident of the ward for which he is elected, and holds office two years.

The deliberations of the Council are public. Their regular session may not last more than one hundred and twenty days, though the Mayor can convene them in extra session. The Council has the right to pass ordinances regulating the manner of appointments to office; but in the absence of such ordinances the Mayor "by and with the advice and consent of a convention of the two Branches of the City Council," appoints all officers, except the Register and the clerks employed by the city. The Register is appointed by a convention of the two Branches, biennially, and is removable at pleasure in the same way. The clerks of the different departments are usually appointed by those departments. No person can at any time hold more than one office under the Mayor and City Council. No salaried officer can be concerned in any contract for work to be done for the city. Except when otherwise provided by law, all offices are held during the pleasure of the Mayor.

The powers of the Mayor and the present method of appointing to office will be discussed more fully in the concluding part of this monograph.

The Comptroller is appointed biennially in the same manner as other city officers, and receives a salary of three thousand dollars. The amount of his bond is ten thousand dollars. He audits and settles all accounts of the corporation when their settlement is not committed by ordinance to some other authority; he supervises the fiscal concerns of all the departments which receive or disburse the public moneys, examines all contracts made by the city officials and all requisitions

upon the city treasury, certifies the correctness of the pay-rolls of all the officers, and performs other similar duties. He appoints a Deputy Comptroller, a chief clerk and an assistant clerk.

The Register is appointed biennially, not by the Mayor, but by a convention of both Branches of the Council. The amount of his bond is fifty thousand dollars. He has charge of the corporate seal of the city, keeps all the money of the city deposited in four banks selected by the Mayor, Comptroller and Register, makes all payments in checks on these banks, countersigned by the Mayor, and lays before the Council an annual report of the receipts and expenditures of the past year and an estimate of those of the current year. His salary is three thousand and three hundred dollars. He appoints a Deputy to assist him in his work and to collect the rents of city property for the Commissioners of Finance. He also appoints four clerks.

Board of Police Commissioners.—The three members of this Board are elected by a joint meeting of the two houses of the General Assembly. They must have been residents of the city for the three years next preceding their election. Their term is six years, one of them retiring every two years; the salary is two thousand five hundred dollars. Each Commissioner gives bond to the amount of ten thousand dollars for the faithful discharge of his duties. They take an oath not to appoint or remove any policeman or other person employed by them on account of his political opinions or for any other cause than his fitness or unfitness for the position.

The chief duties of the Board are to preserve the public peace, protect the rights of persons and property, enforce the laws, and employ a permanent police force under such regulations as they may prescribe. This force consists at present of one marshal and one deputy marshal of police, and one captain, two lieutenants, two round sergeants, two turnkeys, and one clerk at each station-house, such a number of sergeants for each police district as the Board may deem necessary, and six

nundred and twenty men. This number may be increased at any time by the appointment of special policemen. The regular policemen are appointed for four years. The Sheriff of Baltimore City (who, like the sheriffs of the counties, is elected biennially by the people) acts under the control of the Board for the preservation of the public peace, and, if ordered, summons the *posse comitatus* for that purpose. The Board can also call out such military force in the city as they may see fit, to aid them in preventing disorder or suppressing insurrection.

It is the duty of the Board to estimate annually the sum of money necessary for the current year and certify the same to the Mayor and City Council, who are required to raise the amount by taxation. If the amount estimated proves insufficient, the Board is authorized to issue certificates of indebtedness in the name of the Mayor and City Council, bearing interest at six per cent., payable not more than twelve months after date, and receivable at par in payment of city taxes. The Board keeps a full record of its proceedings and financial transactions open to the inspection of the General Assembly and the Mayor and Register of the city. It makes a report to the General Assembly at each regular session.

Three other large American cities, St. Louis,[1] Boston[2] and Cincinnati,[3] have Boards of Police Commissioners appointed by the governor or legislature. Strenuous advocates of the principle of home rule for American cities object to the appointment of the local police by the state government. But the Maryland courts have held that the preservation of the peace is a function of the state and not of the locality.[4] Some other state courts have taken the opposite view.[5] Whatever

---

[1] Conkling, *City Government in the U. S.*, 79.
[2] J. M. Bugbee, *J. H. U. Studies*, Fifth Series, 121.
[3] J. R. Commons, *City Government*, 13.
[4] Baltimore *vs.* Board of Police, 15 Md., 376.
[5] Goodnow, *Municipal Home Rule*, 88.

may be its theoretical justification or practical expediency, the plan presents two interesting anomalies. The first is that the Police Commissioners spend whatever amount of the city's money they deem necessary, without being responsible to the city itself for the manner in which it is spent. And in the second place the city is held responsible for the enforcement of its laws, though their enforcement is entrusted to a body of policemen over whom the city has no control.

It is quite likely that before long there will be a closer scrutiny of the relation of the state and city governments, especially in regard to the appointment of the Boards of Police Commissioners, Supervisors of Elections, and Liquor License Commissioners. The question has not been prominent hitherto because both the state and municipal governments have been dominated by a single political party for the last twenty-eight years. But recent events render it probable that at times one party may be in power in Baltimore and another in Annapolis; and this, in connection with the fact that Baltimore's representation in the Assembly is so grossly inequitable (with nearly half the population of the state its representatives form about one fifth of the House of Delegates and less than one eighth of the Senate) will render the development of dissatisfaction a probability of the near future.

The Board of Supervisors of Elections.—The Governor, by and with the advice and consent of the Senate, biennially appoints the three members of this Board. The salary of each is eighteen hundred dollars a year. They must be voters in the city, and two of them must belong to the two leading political parties of the state. It is the duty of the Board to appoint, not later than the first day of August of each year, three Officers of Registration for each of the nine precincts of the twenty-two wards of the city. Two of them are always selected from the two leading parties; they must be legal voters in the precincts for which they are appointed; and they cannot be holders of office, or candidates for office at the next election. It is required that their names be published in the

newspapers in advance, so that those against whom just complaint is made may be removed and others appointed in their place.

Another duty of the Board of Supervisors of Elections is to appoint three Judges of Election for each precinct of the city. Their qualifications and manner of appointment are much the same as those of the Officers of Registration. Every person appointed Judge of Election in the manner prescribed by the statute is liable to fine or imprisonment on refusal to serve. The Judges have power to preserve peace and to commit to jail the violator of any election law.

The Board of Liquor License Commissioners consists of three persons appointed biennially by the Governor and confirmed by the Senate, not more than two of them belonging to the same party. Their salaries and other expenses are paid by the city. Petitions for licenses to sell intoxicating liquors at certain places are published by them not less than fifteen days before time to take action, in order that residents in the vicinity may have opportunity to present reasons for or against granting the license. Those to whom licenses are granted are forbidden to sell intoxicants on Sunday or to minors, drunkards, or any person of intemperate habits whose parent, wife, or child shall give notice in writing to the licensee that such is the case, and verify it by affidavit. The city receives three-fourths of the revenue that comes from granting licenses. The city's share in 1895 was $405,891.95.

The Board of Commissioners of Public Schools has power to employ and remove teachers, prescribe their qualifications, and fix their salaries, subject to the approval of the Mayor and City Council. They determine the courses of study and the text-books to be used, and make the rules and regulations necessary for the management of the schools. There are twenty-two Commissioners, one from each ward, appointed by a convention of the two Branches of the City Council. They serve without pay. The Mayor is a member *ex officio*. If any Commissioner removes from the ward in which he

resided at the time of his appointment, his place is declared vacant. The Board may also declare vacant the place of any Commissioner who shall absent himself from three successive stated meetings of the Board without showing satisfactory cause. The term of office is four years, one-fourth of the Commissioners retiring every year. The Board elects its own President and Secretary.

The Superintendent of Public Instruction is appointed by the Commissioners and serves four years. It is his duty to visit every school as often as once in each quarterly session, to inquire into all matters relating to discipline, studies, and the condition of the school-houses, and to make monthly reports to the Board and an annual report to the Mayor and Council. His salary is fixed by the Board, subject to the approval of the Council. He is aided in his work by an Assistant Superintendent.

No charges are made in the schools for tuition or for the use of books and stationery. The Orphans' Court of the city pays all "funds arising from intestates' estates that may be administered upon in said Court" to the Commissioners of Public Schools. All taxes paid by colored persons for educational purposes are devoted to the use of the schools for colored children. This is in accordance with a law of the State (1872, ch. 377).

The present excessive number of School Commissioners has resulted from following the precedent set in 1842, when the number of the Commissioners was made the same as the number of wards then existing. The present size of the Board is certainly unjustifiable on any scientific principle of administration. The merits of the commission system in general will be discussed more fully later on. But even if it be granted that plural-headed executives are more efficient in administration, it is undesirable to have a small-sized legislature to constitute a School Board. The present Board is as large as the First Branch and twice as large as the Second Branch of the City Council which appoints them. This is

carrying the polycephalous principle to an extreme. It minimizes the public prominence and the official responsibility of each member. If such a system can be worked with marked efficiency, the cause of the efficiency must be sought for elsewhere than in the system. There is a growing desire for its reorganization. The number of Commissioners should be greatly reduced, and they should be appointed by the Mayor. Furthermore, such a system of selection and promotion of teachers according to merit, and merit only, should be introduced as would render futile those charges of political influence and personal favoritism which, whether just or unjust, have been made in the past.

Commissioners for Opening Streets.—There are three of these, appointed biennially in the same manner as other city officers. When directed by an ordinance, of which previous notice has been given, to open, widen, straighten, or close up any street or alley, they estimate the benefits and damages to the owners of the adjacent property, as well as the expenses incurred. They assess the land and improvements of such owners as are benefited, and, should the direct benefits not be equal to the damages and expenses incurred, the balance is paid by the City Register, and provided for in the general levy. Any one dissatisfied with the assessment of damages or benefits may appeal to the Baltimore City Court and have the question decided by a jury trial.

The Commissioners for Opening Streets and the City Commissioner are appointed a Board to construct, open, enlarge, and straighten sewers in the city. Their method of procedure is similar to that which has just been described in the case of streets.

City Commissioner and Assistants.—This department includes the leveling, grading, making, and repairing the streets and bridges, and contracting for materials for these purposes after the contracts have been approved by the Mayor, Register, and Comptroller. It is also the duty of the City Commissioner to ascertain the lines of any of the streets or alleys or

the boundary of any of the lots. An ordinance approved May 17, 1895, provides that there shall be three Assistant City Commissioners in addition to the head of the department. Their term was to begin June 1, 1895, and continue till March 1, 1896, and thereafter they are all to be appointed biennially. There had been dissatisfaction with the work of the department, and the new law changed its *personnel* and raised the salary of its officers, but did not alter its organization.

The Commissioner of Street Cleaning has charge of cleaning the streets and the removal of ashes and garbage. It is required that one cart and driver shall pass through each street and alley for the removal of ashes and garbage on alternate days, three times a week, from the first of November to the first of May, and daily (Sundays excepted) from the first of May to the first of November. The Commissioner is required to divide the city into seven districts; and seven Superintendents of Street Cleaning are appointed by the Mayor and confirmed by the Council, one from each district, to act under the direction of the Commissioner of Street Cleaning and to employ an effective force for keeping the streets in a cleanly condition.

Appeal Tax Court.—The Mayor and City Council appoint the three Judges of the Appeal Tax Court. The Court gives notice two weeks previous to the First Monday in March that it is ready to receive correct lists of all property liable to taxation. After the first Monday in June the assessors value and assess the property of such persons as have failed to return the lists. On or before the first Monday in December those who feel themselves aggrieved by the valuation may appeal to the Court. The Court may, when it deems advisable, make alterations in the amount of taxation, without an appeal. The Court has the power, on application, to abate the taxes on manufacturing plant, except machinery used for printing periodical publications or for generating gas or electricity.

The City Collector is appointed biennially and collects the taxes levied by the city and state. He has the power to

appoint a deputy-collector, cashier, assistant cashier, two book-keepers, fifteen clerks and twenty-eight bailiffs.

The Water Board consists of six Commissioners appointed biennially, together with the Mayor, who acts as president. They have power to pass rules and make provisions for the protection and preservation of the water-works. They appoint a Water Registrar, a Water Engineer, a Civil Engineer (these last two positions may be united at the discretion of the Board), and such clerks, gate-keepers, watchmen, etc. as may be necessary. These appointees perform such duties and receive such compensation as may be designated by the Board, and are subject to dismissal at its pleasure.

The Board of Fire Commissioners consists of three citizens appointed biennially, and the Mayor, who is a member *ex officio*. The Fire Department consists, in addition to the Board and their clerk, of a Chief Engineer, two Assistant Engineers, one Superintendent of Machinery, and the engine companies and hook and ladder companies. The Board appoints all the employees of the department for a term of four years. The law provides that the employees are subject to removal for good cause, but not on account of their political or religious sentiments.

The Harbor Board.—Six Commissioners are appointed to constitute, with the Mayor, the Harbor Board. The Mayor acts as president. Their chief business is to apply certain auction duties to improving the channel of the Chesapeake Bay and Patapsco River below Fort McHenry, and the harbor of the city. They also superintend the building and repairing of wharves. They appoint and fix the salaries of a civil engineer and supervisors of the work of the dredges and the removal of sediment.

Six Harbor Masters are also appointed in the same manner as other city officers, to make collections due for dockage and wharfage, of which they receive twenty per cent for their services.

The Board of Health.—There are appointed biennially a physician as Commissioner of Health and Register of Vital Statistics, and an Assistant Commissioner of Health, who, together with the Mayor, constitute a Board of Health. "No appointments to clerical or other positions in the Health Department shall be made without the written consent of the Mayor, nor shall the salary of any officer or appointee in said department be fixed or changed without the consent of the Mayor."

It is the duty of the Commissioner of Health to enforce all ordinances for the preservation of the health of the city. He is required to make a circuit of observation once every week to every part of the city which may be deemed the cause of disease and take the necessary measures to correct the evil, and to arrest the progress of contagious and infectious diseases.

The Board of Health appoints a Medical Examiner and an Assistant. Whenever called upon by the Coroners or the Board of Health, they make post-mortem examinations and such other medico-legal inquiries as may furnish the evidence required in any case. Twenty-two vaccine physicians are appointed from the different wards by the Mayor and Council.

The Board of Commissioners of Finance is made up of the Mayor and two other persons appointed biennially in the same manner as other city officers. The Mayor supplies vacancies caused by death or resignation until a meeting of the Council. "All the real estate from which income is derived, and all the stocks, bonds, and obligations of any improvement company now held or claimed as the property of the corporation, or as due to it, as well as all taxes which may hereafter be levied and collected for this purpose, are appropriated and set apart, to be held by the Commissioners of Finance exclusively for the payment as aforesaid of the public debt of the corporation, and the interest thereupon as the same, or any part thereof, may become due and payable."[1]

[1] City Code of 1893, 930.

The Commissioners are required to make an annual report of their accounts to the City Council. The Deputy Register keeps the books, accounts and records of the office, and performs such other duties as are required.

A statement of the recent growth of the city debt and its amount at the close of the year 1895 have been given on a previous page.

The Park Commission consists of six members in addition to the Mayor, who is chairman. The other six members are appointed biennially and hold office as long as in the judgment of the Mayor they properly discharge their duties. They have general charge of business connected with the parks, and can make regulations for the preservation of order within them, and declare what fines, not exceeding one hundred dollars in any one case, shall be imposed for breaches of the regulations. Such fines are appropriated for the purposes of the park.

The park tax, as it is called, consists of nine per cent. of the gross receipts of the street railway companies. In 1895 it amounted to $234,167. No part of the financial legislation of the city has been more commendable than the levying of this tax in return for granting the street railway franchises.

IV.

Conclusion.

There are two factors in a government of the highest efficiency—the quality of the administrative and legislative machinery, and the spirit in which that machinery is operated. The most flawless governmental mechanism is no guarantee of good government unless the motives of the administrators are good. On the other hand complicated and cumbersome methods of procedure fail to give highly satisfactory results,

no matter in what spirit they are used. To secure the best results the people must entrust the operation of the right kind of machinery to the right kind of men. This essay is a study of the first of these factors. The description of the municipal organization which has just been given reveals many praiseworthy features; but there are three important changes in present methods which are imperatively demanded in order to secure the highest administrative efficiency.

The Commission System.—It has been asserted that the commission system, or government by municipal boards, was devised by professional politicians in order to increase the amount of patronage at their disposal. Though this may be the practical effect of the system, it was not historically the cause of its adoption. We have seen that in Baltimore it is as old as the town itself. It was quite a common form of government in the the early history of towns, and its continuance after they have become cities is very natural.

The commission system is supported, therefore, by the sanction of antiquity, and it is likely to continue to exist for some time in the future for no more logical reason than that it has already existed for a long time in the past. It is contrary to correct principles of administration as well as good rules of business management. Business men could not succeed if their affairs were entrusted to committees. The reason is obvious. If power is divided among five executive agents, personal responsibility is also divided. There may be wrongdoing, but each wrong-doer can lay the blame on his associates and rejoice that "there is safety in numbers." The investigator who wishes to locate any particular piece of blameworthiness when government is carried on by a complicated system of commissions will wander through devious mazes of administrative irresponsibility, and wander in vain. There is some justice in the assertion that we have more administrative awkwardness than any other nation. No people are more sagacious in business than Americans, but for various reasons they have never made a thorough application of their business

sagacity to municipal government. The true principle consists in uniting in one person the power of right administration and the responsibility for right administration, and promptly removing him if he fails to give satisfaction. He should have control over his department and be held to a strict account for the results.

But it may be urged that the single-headed department has been tried in Baltimore and has in some cases resulted badly. This proves that the department had the wrong man at its head, not that it needed many heads. No department will work well in the hands of an incompetent man, nor a board of incompetent men. No administrative plan will guarantee efficiency regardless of the character of the administrator. But the system of single-headed departments does guarantee the power to locate responsibility for inefficiency and to take prompt remedial action; and this is not true of the polycephalous method of administration.

There is a strong tendency in American cities to rid themselves of the antiquated regime of commissions. The testimony of men like ex-Mayors Seth Low of Brooklyn, Curtis of Boston, and Latrobe of Baltimore is in favor of the less expensive and more effective method. "The many years' experience I have had in the city government," says the last named of the three, "has demonstrated one fact more clearly than any other, and that is that where the responsibility for any work is concentrated in the hands of a competent man, the work is done better and in a more satisfactory manner than where the responsibility is divided among several heads or is under the control of a board, no matter how able the members of the board may be. . . . Concentrate the responsibility in the heads of the departments, hold those heads to a strict accountability for what they should do, and give them the power to do their work and choose their subordinates without interference, and there will be no trouble in carrying on municipal works as well and as economically as other corporate works and enterprises are carried on."

The thorough application of this business principle to Baltimore's city government cannot be said to have failed, for it has never been tried.

The Appointment of the Chief Officers.—City Councils were originally entrusted with broad governmental powers. But more recently the development of distrust has caused a reaction which tends to reduce their powers to a minimum. Their members are often regarded as the misrepresentatives of the people whose function has been the administration of injustice. Some extremists have even proposed to abolish the Council altogether. "It is to-day," says Moorfield Storey, "a useless and therefore a mischievous body. The whole work which properly falls upon a City Council can be done by a single board."[1] The mistaken idea back of this proposal is that the city is a purely business corporation whose affairs can best be managed by a small board of directors. But it is in reality a political corporation as well, with powers and duties above those which belong to any mere business association. It should care for the varied interests of its thousands of inhabitants, and the only way in which this can properly be done is by the election of suitable representatives to frame laws which shall voice the will of the people. The existence of the Council as one of the co-ordinate branches of the city government, entrusted with full legislative powers under the charter, is easily justified.

But the attempt to have the legislature participate in the executive function of the appointment of officers has worked nothing but mischief. It is the duty of the legislature to make the laws and the duty of the executive to carry them into effect. But if the Mayor is to enforce the laws he must have the power to select the necessary agents. If this power is given him, he can be held accountable for the quality of the administration. But if he must divide this power with thirty-

[1] *The Municipal Government of Boston*, National Conference for Good City Government, 1894, p. 68.

three other men, all accountability is so dissipated as to be practically lost. The Mayor and Council can each blame the other for poor appointments. If a Councilman, backed by "senatorial courtesy," prevents the confirmation of a good nominee or secures the confirmation of an inferior one, the people will never learn enough about it to hold the individual Councilman responsible. The general public cannot follow the actions of several dozen members of the Council. The consequence is that, instead of the Mayor dictating the appointments and assuming the responsibility, the members of the Council have practically the power of irresponsible dictation, with a strong temptation to use that power in the distribution of patronage. The quality of the official *personnel* is inevitably lowered, and the blame can be ascribed to nobody in particular. The system legalizes irresponsibility and calls it "a division of powers."

The better plan is to give the Mayor the right to appoint the chief officers. But this has been criticized as monarchical and as tending to result in tyranny. A little examination will dispel the illusion. The dread is an inherited one. The fear of official despotism was once well founded, and it has continued to haunt the American people long after the real danger has passed away. The ominous shadow of the third George has been cast across our whole political history. That monarch's course was a real menace to both English and American freedom, because he was not content with the duties of executive, but usurped the legislative functions as well, and because he was not responsible to the people, not being chosen by them, and holding his tenure for life. The strongest Mayor of an American city can obtain no such prerogatives. He is not the ruler of the city: he is only its most prominent employee—the one who is most carefully selected and most closely watched. He is the agent of his principal, the people; and to entrust him with adequate powers to carry into effect the will of the people is not undemocratic. For

the essence of democracy is that the will of the people should be made law and that the law should be made effective.

The people in their collective capacity, however, cannot exercise these powers. They must be delegated for brief periods to the legislature and the executive. Now executive power and accountability may be concentrated upon the executive himself, or may be scattered among the members of the legislature for the purpose of "putting a check on the executive." The result of this policy is to prevent the Mayor from accomplishing good as well as from doing harm. He cannot as a rule select the best officers if he would. And when selected they realize that they owe the office less to him than to the Council, and his power of discipline and control over his subordinates is thus impaired. Whoever expects first-class government under such circumstances must believe that the absence of executive power is the criterion of administrative excellence. It is necessary that adequate power should be lodged with a responsible agent. The dread of despotism is no excuse for the enthronement of inefficiency.

If the Mayor be given the power of removal as well as of appointment, his accountability for a good administration is complete. There has been a rapid development of sentiment in favor of clothing the Mayors of our cities with these powers. This is the correct administrative principle. But it is not a political panacea. It cannot give the people an excellent administration if they are unwilling to elect a capable administrator. If, however, they earnestly desire an efficient execution of the laws they can obtain it by this method, while they cannot always do so under complicated systems where power is divided among so many agents that a premium is put on irresponsibility.

The Subordinate Civil Service.—The most pernicious fallacy that ever dominated American politics has crept in under the deceitful guise of democracy. It is a false democratic doctrine that the government should give each man in turn a chance to draw a public salary for no better reason than his vigorous

display of partisanship on the winning side at the last election. The offices of the government are established for the service of the whole people, and the salaries are paid with money collected from the whole people; but too often the chief criterion of capacity to fill an office has been the amount of devotion exhibited in behalf of only one party or even of one chieftain of a party. True democracy gives every man who wants to serve the public an equal opportunity to compete with every other man on the basis of merit. The spoils system is undemocratic, because it teaches each officer that his tenure of office depends less on his fidelity as a servant of the people than on his loyalty to the interests of the patron that dictated his appointment. It is undemocratic, moreover, because it forms the basis of the most genuine despotism the American people have ever known—that of the irresponsible municipal dictators who, without the sanction of legal authority, have gained control of the appointment of officers and have mismanaged the affairs of our great cities. The real interests of the people demand that their public servants should be appointed for merit and merit only. Their interests likewise forbid the removal of trained officials to make room for unskilled appointees merely because the latter have different views on the tariff. No business man would tolerate rotation in office as applied to his own establishment; and a municipal corporation has just as much right to demand that its business affairs should be conducted on business principles.

Without elaborating the details of a system of civil service, it may be said that the responsible chiefs of departments should be appointed by the Mayor and stand to him in the relation of a cabinet. The officers of the subordinate civil service should be appointed in such a way as to render political influence or personal favoritism impossible. The clerical force of the various departments should be selected by competitive examinations somewhat like those of the United States government. They need not be literary except in so far as to include the rudiments of a good education; they could include

in addition tests of the knowledge the applicants may have of the special duties of the department in which they wish to work. Unskilled laborers should be selected by a bureau of registration of laborers, according to a system like that employed in Boston. Record should be made of their age and physical condition, and of testimony as to their character and previous experience, but not of their political or religious affiliations. Those who came up to the necessary requirements could then be chosen in the order of their application. A similar method applies to skilled laborers, except in special cases where competitive tests would be preferable. A good system is of course better than a poor one, but any system is preferable to allowing the offices to be used to reward men for their partisan services. As Bryce expresses it: "Appoint them by competition, however absurd competition may sometimes appear, choose them by lot, choose them anyhow; only do not let offices be tenable at the pleasure of party chiefs and lie in the uncontrolled patronage of persons who can use them to strengthen their own political position."

The abolition of the commission system, of the power of the Council to confirm appointments, and of the spoils system would greatly improve the quality of Baltimore's governmental machinery. But that alone is not sufficient. The people must see that this machinery is directed towards praiseworthy ends by trustworthy officials. These administrative devices would secure the power of locating responsibility for an inefficient execution of the laws. But they would not secure the election of a first-class executive. Their adoption does not necessarily mean a good administration. It merely means that if the people have a poor administration it is their own fault. It means that they can obtain as good a government as they deserve. No mechanical devices can form a substitute for an earnest interest in municipal affairs. The adoption of common sense business methods means much; but it will not be sufficient unless supplemented by a civic patriotism that is both vigilant and perennial.